

PATENT COOPERATION TREATY

REC'D 10 OCT 2005

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PCT

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2005/018012

International filing date (day/month/year)
24.05.2005

Priority date (day/month/year)
18.06.2004

International Patent Classification (IPC) or both national classification and IPC
D21H13/40, D21H13/38, D21H19/72

Applicant
OWENS CORNING

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b/s(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Songy, O

Telephone No. +31 70 340-2345



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/018012

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/018012

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3 5-17 19-22
	No: Claims	1 2 4 18
Inventive step (IS)	Yes: Claims	3 5-17 19-22
	No: Claims	1 2 4 18
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2005/018012

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

The following document is mentioned for the first time in this written opinion; the numbering will be adhered to in the rest of the procedure :

D1: US-B1-6 497 787 (GEEL PAUL ADRIAAN) 24 December 2002 (2002-12-24)

Novelty :

Independent claims 1 and 18

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of independent claim 1 is not new in the sense of Article 3(2) PCT.

Document D1 discloses (see examples) an impregnated nonwoven fibrous veil containing a pre-binder and reinforcing fibres which can be glass fibres or ceramic fibres, said veil being impregnated with a composition containing 30% of a binder and 70% of expandable microspheres. Said microspheres are fillers. The subject-matter of independent claim 1 is therefore not new (Article 33(2)) PCT).

The same reasoning applies, mutatis mutandis, to the subject-matter of independent claim 18, which therefore is also considered not new.

Dependent claims 2 and 4

The product which is the subject-matter of claim 1 is the same as the one disclosed in D1. Therefore, it has the same properties in terms of porosity and compressibility, even if the values of said parameters are not mentioned in D1. Hence the subject-matter of dependent claims 2 and 4 is not new (Article 33(2)) PCT).

Inventive step :

The subject-matter of claims 1, 2, 4 and 18 being not new does not meet the requirements of Article 33(3) PCT regarding inventive step.

Industrial applicability :

The subject-matter of claims 1-22 is considered to meet the requirements of Article 33(4) PCT.

Re Item VII

Certain defects in the international application

The independent claims have not been cast in the two-part form, with those features which in combination are part of the prior art (see document D1) being placed in the preamble. Hence, the requirements of Rule 6.3(b) PCT are not met.

Re Item VIII

Certain observations on the international application

1) The use of "about" throughout the claims is unclear and renders it impossible to properly determine the subject matter for which the protection is sought. Thus the clarity requirements of Article 6 PCT are not met.

2) There are various ways of measuring the air porosity of a fibrous veil, said various ways leading to results which are not comparable. Therefore the subject-matter of claim 2 is not clear (Article 6 PCT).

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INTERNATIONAL SEARCHING AUTHORITY**

International application No.
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3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/018012

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
Industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	3 5-17 19-22
	No: Claims	1 2 4 18
Inventive step (IS)	Yes: Claims	3 5-17 19-22
	No: Claims	1 2 4 18
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the International application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the International application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2005/018012

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

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Novelty :

Independent claims 1 and 18

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The same reasoning applies, mutatis mutandis, to the subject-matter of independent claim 18, which therefore is also considered not new.

Dependent claims 2 and 4

The product which is the subject-matter of claim 1 is the same as the one disclosed in D1. Therefore, it has the same properties in terms of porosity and compressibility, even if the values of said parameters are not mentioned in D1. Hence the subject-matter of dependent claims 2 and 4 is not new (Article 33(2)) PCT).

Inventive step :

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2005/018012

The subject-matter of claims 1, 2, 4 and 18 being not new does not meet the requirements of Article 33(3) PCT regarding inventive step.

Industrial applicability :

The subject-matter of claims 1-22 is considered to meet the requirements of Article 33(4) PCT.

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The independent claims have not been cast in the two-part form, with those features which in combination are part of the prior art (see document D1) being placed in the preamble. Hence, the requirements of Rule 6.3(b) PCT are not met.

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